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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

8 AMIT KISHORE,

9 Petitioner,

10 v.

11 DEPARTMENT OF HOMELAND SECURITY,
12 *et al.*,

12 Respondents.

)
)
) Case No. C10-1862-JLR-BAT
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**REPORT AND
RECOMMENDATION**

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14 On November 16, 2010, petitioner, proceeding through counsel, filed a Petition for Writ
15 of Habeas Corpus pursuant to 28 U.S.C. § 2241, along with an emergency request for stay of
16 removal. Dkt. No. 1. The Court subsequently entered a temporary stay and directed respondents
17 to file a response to petitioner's request for stay. Dkt. No. 4. Respondents appeared in this
18 action, and briefing has since been stayed by request of the parties. Dkt. Nos. 9-10, 12-19.

19 On June 30, 2011, the parties filed a stipulated motion to dismiss and withdraw petition
20 for writ of habeas corpus and emergency request for stay of removal. Dkt. No. 20. The Court,
21 having reviewed the parties' motion, recommends that this action and all claims asserted herein
22 be dismissed pursuant to Rule 41(a)(2), without prejudice and without fees or costs to either
23 party. Fed. R. Civ. P. 41(a)(2).

1 Because the parties have stipulated that the case be dismissed as set forth above, the
2 Court recommends that United States District Judge James L. Robart immediately approve this
3 Report and Recommendation and dismiss this action pursuant to FRCP 41(a)(2). A proposed
4 order accompanies this Report and Recommendation.

5 DATED this 1st day of July, 2011.

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10 BRIAN A. TSUCHIDA
11 United States Magistrate Judge
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